REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Appreciation is expressed to Examiner Mathew for his time and attention during the interview that was conducted at the U.S. Patent and Trademark Office on July 7, 2003. The remarks below discuss the substance of the interview.

By way of this Amendment, Claim 3 has been canceled Claim 1 has been amended and new Claims 32-34 have been added. Claim 3 was canceled in the prior Amendment. Thus, the claims currently pending in this application are Claims 1, 2, 4-7 and 9-34. Claims 1, 2, 32 and 33 are the only independent claims.

One issue discussed during the interview involved the rejection of independent Claim 1 on the basis of the disclosure contained in U.S. Patent No. 5,876,449 to *Starck et al.*

As discussed during the interview, the invention defined in independent Claim 1 is directed to an implantable tubular device having a deformable portion formed on a peripheral surface of the tubular device. The deformable portion forms a predetermined angle with respect to the axial direction of the device and is more easily deformed in comparison with a remainder part of the tubular device. In addition, the deformable portion is formed in a plural number so that there are plural deformable portions.

As discussed during the interview, it is understood from the most recent Official Action that the rejection of independent Claim 1 is based on the observation that *Starck et*

al. discloses a stent provided with cut-outs 16, and that such cut-outs 16 have been interpreted as corresponding to the claimed plural deformable portions.

Based on this interpretation, the undersigned proposed amending Claim 1 to more clearly highlight differences between the claimed implantable tubular device and the disclosure contained in *Starck et al.* The undersigned proposed defining that the deformable portions are formed as grooves and are provided on the inner surface, the outer surface or both the inner and outer surfaces of the tubular device. Examiner Mathew commented that it might be helpful to include slightly different claim language defining the location of the grooves, i.e., to better define what constitutes the inner and outer surfaces of the tubular device, to avoid having the stent shown in *Starck et al.* interpreted in a way that is said to correspond to the claimed invention. Thus, Claim 1 now recites that the grooves are provided on an inner surface of the tubular device which faces inwardly toward the interior of the tubular device, on an outer surface of the tubular device which faces away from the interior of the tubular device or on both the inner and outer surfaces of the tubular device. It is also noted that the language previously added to Claim 1 regarding the deformable portion being entirely on the tubular device has been deleted as such language is not necessary.

As was explained during the interview, the illustrations in Figs. 3b, 4a and 4b in *Starck et al.* and the corresponding written description disclose that the cut-outs 16 are not provided on the inner and outer surfaces of the stent, but rather are provided on the illustrated portions of the connection points 10 or boundary elements 5 as illustrated in

Figs. 3b, 4a and 4b. Thus, based on the illustrations in *Starck et al.* and the corresponding written description, the disclosed stent does not include grooves formed on the inner and/or outer surfaces of the tubular device as recited in independent Claim 1. Accordingly, withdrawal of the rejection of independent Claim 1, and the various dependent claims, on the basis of the disclosure contained in *Starck et al.* is respectfully requested.

Another issue discussed during the interview involved the rejection of independent Claim 2 on the basis of the disclosure contained in U.S. Patent No. 6,464,720 to *Boatman et al.* As described during the interview, the implantable tubular device recited in independent Claim 2 is comprised of a plurality of wavy annular members each formed of a wavy element and arranged in an axial direction of the device, and connection portions each connecting the wavy annular members to each other in the axial direction of the tubular device. Claim 2 further recites that each of the wavy annular members has free bent portions not connected to other wavy annular members and that a deformable portion more easily deformed than a remainder of the device forms a predetermined angle with respect to the axial direction of the device, with the deformable portion being formed on one of the free bent portions in such a way that the deformable portion crosses the wavy annular member.

During the interview, Examiner Mathew pointed out that the rejection of independent Claim 2 was based on the interpretation that the longitudinal struts 32 illustrated in Fig. 1 of *Boatman et al.* include a narrowed portion which was interpreted to correspond to the claimed deformable portion. However, as was pointed out during the

interview, the longitudinal strut 32 which is provided with the narrowed portion serves as the connecting portion that connects together the adjacent annular elements. Thus, to the extent the narrowed portion of the longitudinal struts 32 shown in *Boatman et al.* are interpreted to correspond to the claimed deformable portion recited in Claim 2, that narrowed portion is not formed on a free bent portion of a wavy annular members as recited in Claim 2. Thus, the narrowed portion cannot be said to correspond to the claimed deformable portion because it is not provided on the a free bent portion of a wavy annular member as claimed. In addition, such narrowed portion does not cross the wavy annular member as also recited in independent Claim 2.

It is thus submitted that the rejection of independent Claim 2, and the associated dependent claims, on the basis of the disclosure contained in *Boatman et al.* should be withdrawn.

New independent Claim 32 is presented for consideration. This claim was briefly mentioned during the interview, although was inadvertently not identified on the Interview Summary completed by Examiner Mathew. This new claim defines an implantable tubular device comprising a plurality of axially arranged annular members and connection portions each connecting the annular members to each other in the axial direction of the tubular device. Claims 32 also recites that the annular members have deformable portions more easily deformable than a remainder of the tubular device and forming a predetermined angle with respect to the axial direction of the device. In addition, the deformable portions are formed as grooves provided on the inner and/or outer surfaces of the tubular device.

The stents described in *Starck et al.* and *Boatman et al.* are not constructed to have this claimed combination of features.

The last point discussed during the interview involved new Claim 33. The version of Claim 33 presented here is slightly different from the version discussed during the interview in that the version of Claim 33 presented here does not specifically define the location of the grooves on the inner and/or outer surfaces of the tubular device. This language has not been included as it is not necessary for patentably distinguishing over the disclosures contained in *Starck et al.* and *Boatman et al.* Claim 33 recites that the tubular device has a plurality of deformable portions formed on a peripheral surface of the tubular device, with the deformable portions forming a predetermined angle with respect to an axial direction of the tubular device and being more easily deformed in comparison with a remainder part of the tubular device. Also, the tubular device is comprised of a plurality of annular units, with adjacent annular units connected together by joining portions. The annular units are each comprised of at least one wavy annular member, and the deformable portions are formed as grooves provided on the wavy annular members.

Neither *Starck et al.* nor *Boatman et al.* discloses an implantable tubular device having the claimed combination of features recited in Claim 33, including deformable portions formed as grooves provided on the wavy annular members.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in

resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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